

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

04-09-01

A
Box SEC10/90/01
U.S. PATENT & TRADEMARK OFFICE

Docket No. A-69192-1/DJB/JJD/AMS

Anticipated Classification of this Application:

Class: Subclass:

Prior Application

Examiner:

Art Unit:

Box PATENT APPLICATION

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

This is a request for filing an

- Original
- Continuation
- Divisional
- Continuation-in-part

application under 37 C.F.R. 1.53(b), in the name of

David MACK (Menlo Park, CA); Kurt C. GISH (San Francisco, CA); and Keith E. WILSON (Redwood City, CA)
(Names of ALL Applicants)NOVEL METHODS OF DIAGNOSING CANCER, COMPOSITIONS, AND METHODS OF
SCREENING FOR CANCER MODULATORS
(Title of Invention)This continuation divisional continuation-in-part

Claims priority to pending application Serial No. 09/608,821, filed on June 30, 2000.

1. (a) Enclosed is a new application.
(b) Enclosed is a continuation-in-part application.
(c) Enclosed is a copy of the prior application.
2. (a) Enclosed is a new Declaration.
(b) Enclosed is a copy of the prior Declaration as originally filed.
3. (a) Applicant claims Small Entity status under 37 CFR 1.27.
(b) A Small Entity Affidavit is of record in the prior application.
4. The filing fee is calculated below:

Claims as filed in the prior application, less any claims canceled by amendment below:

| | (Col. 1) NO. FILED | (Col. 2) NO. EXTRA | SMALL ENTITY | | OTHER THAN SMALL ENTITY | |
|---|-----------------------|-----------------------|--------------|-------|----------------------------|-------|
| | | | RATE | Fee | Rate | Fee |
| BASIC FEE | | | | \$355 | | \$710 |
| TOTAL CLAIMS | - 20 = | * | × 9 = | \$ | × 18 = | \$ |
| INDEP CLAIMS | - 3 = | * | × 40 = | \$ | × 80 = | \$ |
| MULTIPLE DEPENDENT CLAIM PRESENTED | yes | no | +135 = | \$ | +270 = | \$ |
| If the difference in Col 1 is less than zero, enter "0" in Col. 2 | | | TOTAL | \$ | TOTAL | \$ |

5. The Commissioner is hereby NOT authorized to charge any additional fees which may be required, including extension fees, or credit any overpayment to Deposit Account No. 06-1300 (Order No. _____).

6. Our check in the amount of \$ _____ is enclosed.
 The filing fee is NOT being submitted with this transmittal letter.

7. Cancel in this application original claims _____ of the prior application before calculating the filing fee. (At least one independent claim must be retained for filing purposes.)

8. Amend the specification by inserting before the first line the sentence:
-This is a _____ continuation _____ divisional _____ continuation-in-part
of application Serial No. _____ filed _____.

9. (a) Informal drawings are enclosed (5 Sheets).
(b) Formal drawings are enclosed.

10. (a) Priority of application Serial No. 09/608,821 filed on June 30, 2000 in the United States of America is claimed under 35 U.S.C. 119/120.
(b) The certified copy has been filed in prior application Serial No. _____ filed on _____.

11. The prior application is assigned of record to _____

12. The power of attorney in the prior application is to:
Name: _____
Address: _____

(a) The power appears in the original papers in the prior application.
(b) Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
(c) A new power has been executed and is enclosed.
(d) Address all future communications to:

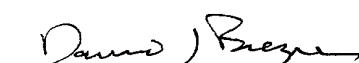
FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP
Four Embarcadero Center - Suite 3400
San Francisco, California 94111-4187
Tel.: (415) 781-1989
Fax: (415) 398-3249

13. Enclosed are a computer readable sequence listing and paper copy thereof. The enclosed computer readable sequence listing was prepared through use of the software program "PatentIn" provided by the PTO. The information contained in the computer readable disc is identical to that of the paper copy. Applicant submits that this communication, the accompanying computer readable sequence listing, and the paper copy thereof serve to place this application in a condition of adherence to the rules 37 C.F.R. 1.821-1.825.

13. A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

14. I hereby verify that the attached papers are a true duplicate of prior application Serial No. _____ as originally filed on _____.

Date: April 6, 2001

Signature: 

David J. Brezner, Reg. No. 24,774

Address of Signer:

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Attorney or agent of record

Filed under Section 1.34(a)